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MONTANA PROSECUTOR

March, 1977 | 1230 Eleventh Avenue, Helena, Montana 59601 | Volume 1, No. 3

STATE DOCUMENTS

GUEST CORNER:

Montana Grand Jury Law

If you go no further than this sentence you will note that a purportedly comprehensive article on this subject requires little space to encompass human knowledge on what has become a significant institution within our criminal justice system in Montana. To those of you who do not expect to be required to understand the Grand Jury, I would refer you to the first sentence of statutory law on the subject, Section 95-1401, R.C.M. (1947) which will convince you that a Grand Jury in your county is no further away than those forces which can move the discretion of your district judge to call one.

The importance of the Grand Jury, as a weapon or a tool, should not be overlooked simply because there has never to my knowledge been a successful Grand Jury indictment in Montana.[1] A Grand Jury has no statutory limit on its expenses, the investigators, attorneys, other professionals it may hire, nor upon the period of its existence. Sections 95-1405(f) and 95-1406(c), R.C.M. 1947. Probably not even the impaneling district judge can disband a Grand Jury, although the State Legislature could. Section 95-1410, R.C.M. (1947).

The power of a Grand Jury lies in the secrecy of the proceedings. Abuse of the charging power is an opportunity for the unscrupulous prosecutor who is insulated from public examination.

> "The Proceedings and Debates of the Constitutional Convention of Montana indicate another reason behind the movement to abolish the grand jury system of indictment and presentment. This is the secrecy of the proceedings, originally adopted as a part of the cloak protecting the subject from tyranny of the sovereign, in later years came to be an instrument of malice and spite in the hands of cowardly and secretive informers." Porter v. District Court, 124 Mont 249 (1950).

The delegates to our 1899 Constitutional convention argued,

> "that a man should go clothed in the full panoply of manhood and make his complaint against the accused." Ibid.

An early statute, which Montana does not have, required the D.A. to put his name on the indictment:

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[1]The exception, Lee R. Kerr, received a $5 fine on January 5, 1977, for Criminal Mischief, a misdemeanor, in Rosebud County. Several successful charges were initiated as indictments but were prosecuted under subsequently filed Informations, e.g., State v. Bretz

"This statute was designed to protect the state against the payment of costs for frivolous and malicious prosecution by affording certain record evidence of the person who had perverted the criminal jurisprudence of the county from its true objects and sought to make it a means to gratify his malice and revenge. Cody v. State, 3 How.,Miss. 27

In Montana the indictment must be signed by the Grand Jury foreman. Section 95-1410. The names of the witnesses must be endorsed thereon, Porter, Ibid; and Section 95-1503(5)(d). However, it has not been decided whether only the Grand Jury may amend an indictment which does not supply witness names, as is the federal law, or whether the prosecutor may "endorse" the names on an indictment. Under Federal Law the indictment is viewed as a product of the Grand Jury and may not be amended except by it. The Grand Jury transcript must be made available to the defendant at state expense. Section 95-1406(e)(2).

Following indictment the defendant has the same rights of discovery, pre- and post- trial motions, and, of course, of trial, as does the defendant on an Information. You will note that all disclosure follows the indictment. The indictment defendant has only one remedy that the Information defendant does not have. That is, an indictment defendant may move to dismiss on the grounds of an improper selection of the Grand Jurors. However, even this compensation for facing the secret inquisition is diluted by the fact that if eight of the eleven, the magic number necessary, voted for indictment and eight of those voting for indictment were qualified, regardless of the qualifications of the other three and any alternates, the motion will be denied. Section 95-1402.

After your district judge determines a Grand Jury is advisable, or the Supreme Court does, State v. District Court, 32 StRptr 11, the judge orders jurors to be drawn out of jury box 1 and summoned. Section 93-1801. He determines their competence and excuses the incompetent.[1]

He impanels them and charges them.[2] The judge may then select the prosecutor. Forsythe v. District Court, 33 StRptr 310. He appoints the foreman. Section 95-1403. He advises the grand jury when requested. Section 95-1406(a). He subpoenas the witnesses. Section 95-1407. He approves grand jury expenses and claims. Section 95-1405(3),(f). This includes the prosecutor's fee. He hears the indictment and acts on it. Section 95-1410.

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[1]He may voire dire the panel on a limited basis, according to one district court. Whether he may voire dire them individually in chambers has not been decided, although it has been done. In the federal system, the district judge qualifies the Grand Jury as a group by posing standard questions.

[2]The charge has whatever credence the jury wishes to give it, since they may inquire into all public offenses. Section 95-1405.

May you disqualify the judge? The prosecutor and grand jury together may not. State v. District Court, 33 StRptr 534(1976). Neither may the subject of the inquisition. State v. Forsythe, Ibid. The judge is limited to one grand jury at a time. Section 93-1804.

Now we have come full circle. We are pretty sure how a Grand Jury is begun and what follows an indictment. What happens in that dark middle ground between formation of the jury and dismissal by request of the jury and concurrence of the judge, that is a secret that few know and none dare to disclose. Section 95-1409 and Section 94-7-309, Criminal Contempt.

CASE DIGEST:

In Montana:

State ex rel Department of Justice, et al v. District Court 33 StRptr 1242, (Mt., 1976)

Miscellaneous
-Immunity
Prosecutorial

"Article II, Sec. 18, 1972 Montana Constitution did not abolish prosecutorial immunity. When a prosecutor acts within the scope of his duties by filing and maintaining criminal charges he is absolutely immune from civil liability, regardless of negligence, or lack of probable cause." at 1245.

* * * * * *

State v. Scanlon ___P2d___, 33 StRptr 1355

Crimes and Offenses:
Perjury:

Based on Section 94-7-202 (7), R.C.M., the high court ruled that the "Proof of the falsity of a statement must be more than the contradiction testimony of a person other than the defendant." at 1358. To this must be added either the testimony of another witness or corroborative circumstantial evidence. As to the issue of the materiality of the alleged perjured statement, the high court quoted State v. Hall 88 Mont. 297, 292 P2d 734, indicating that if the evidence is circumstantially material it is sufficient. Further, Section 94-7-203, R.C.M., makes a false statement given in an "official proceeding" a misdemeanor whether or not it was material.

* * * * * *

State v. Farnes 33 StRptr 1270 (Mt., 1976)

Evidence
-Miscellaneous
-Sufficiency
-Theft
-Intent

The high court, citing State v. Cooper 158 Mont. 102, 489 P2d 99 (Mt., 1971), held that the element of intent may be demonstrated by the use of circumstantial evidence.

Evidence
-Miscellaneous
-Sufficiency
-Theft

The court reiterated the rule that the jury is the sole judge of the weight to be given to testimony, and if substantial evidence is found to support the verdict it will stand. (see State v. White 146 Mt. 226, 229, 405, P2d 701 (Mt., 1965)) In addition, the court stated that the defendant could be found guilty if she was aware that the horse had been stolen or if she was aware of a high probability that the horse was stolen.

Evidence
-Testimonial
-Hearsay
-Exceptions

The defendant also objected to the admission into evidence of the contents of a telephone call on the grounds of hearsay. The court agreed that this was indeed hearsay but found the call admissible because it was an integral part of the criminal transaction. (see also State v. McCracken 93 Mont. 269, 18 P2d 302 (Mt., 1933))

* * * * * *

In Other Jurisdictions:

Crimes and Offenses:

Sales:
Proof of Intent to Deliver:

In a 5-4 opinion, the Iowa Supreme Court has found it to be reversible error in a possession with intent to deliver prosecution to allow a police officer to testify that 46 LSD tablets "far exceeds what one might possess for personal use." This offered opinion offends the principle that no one, expert or not, may give his opinion on the ultimate issue of guilt or innocence. State v. Ogg 243 N.W.2d 620 (Iowa, 1976).

* * * * * *

Constitutional Challenge:

V Amendment, U.S. Constitution:
Compelled Testimony:

A Federal District Court's contempt power may be used without violating the fourth or fifth amendments to the U.S. Constitution, to coerce compliance

with a grand jury's order to provide handwriting exemplars even though there is no probable cause showing that the grand jury acted on probable cause. Palmer v. U.S. 530 F.2d 787 (8th Cir.,1976)

* * * * * *

Evidence:

Physical:
Hair and Blood Samples:

This case presents an excellent review of Federal and State cases as well as legal journals relating to obtaining hair and blood samples. Here the detention of a multiple murder suspect was upheld where the sole purpose for the detention was to secure hair and blood samples. The court found probable cause for the issuance of a search warrant for such physical evidence. People v. Marshall 244 N.W.2d 451 (Mich.Ct.App.,1976)

* * * * * *

Evidence:

Testimonial:
Use of "Truth Serum":

The results of a psychiatric examination of the accused while under sodium pentothal are inadmissible to establish the truth of the matters asserted in Kansas as well as everywhere else according to the Kansas State Supreme Court. State v. Adams 545 P2d 1134, 1143 (Kan.,1976)

* * * * * *

Evidence:

Miscellaneous:
Polygraph:
Admissibility:

The polygraph results were held to be inadmissible for all purposes whether there is a prior stipulation or not. Anderson v. State 551 P2d (Okla. Cir.,1976)

The results of a polygraph test administered to an accused by the police are inadmissible. People v. Fletcher 352 N.E.2d 10 (App. Ct. Ill., 1976)

Stipulated polygraph test results were held to be admissible even though the accused did not testify at trial. State v. Baskerville 354 A2d 328 (N.J.,1976).

Although polygraph results are admissible at a hearing on the voluntariness of a confession under a stipulation of the parties, the stipulation must explicitly provide for this use, otherwise such testimony is unacceptable. Banks v. State 351 N.E.2d 4, 10-11 (Ind.,1976)

Where an accused Mann Act defendant agrees to the admissibility of the results of a polygraph examination administered by his own expert whatever these results may show, and the prosecution agrees, then results revealing substantial deception by the defendant are admissible. United States v. Oliver 525 F2d 731 (8th Cir., 1975)

* * * * * *

Evidence:

Testimonial:
Expert Opinion:

It bears reminding that expert testimony is admissible only when it can aid the jury in matters where the average juror lacks knowledge or experience. Thus, an expert on perception and memory can be refused permission to testify to the well-known fact that time impairs an eyewitness' memory as does the eyewitness' emotional involvement in the crime. People v. Lawson 551 P2d. 206 (Colo. App.,1976)

* * * * * *

Evidence:

Testimonial:
Lay Expert:

A recent annotation in the American Law Reports discusses the admissibility of testimony of a (non-pathologist) coroner or mortician as to the cause of death in a homicide prosecution. A number of cases have permitted such testimony where the "experimental qualifications" are impressive. 71 ALR 3d 1265

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Evidence:

Testimonial:
Expert Opinions:
Foundation:

An Arizona trial court committed reversible error in a murder case by refusing the testimony of a defense expert that the ejector marking on the shell casings from the murder bullets could not be identified as coming from defendant's pistol. His chemistry degree, his study with a recognized expert, his presidency of a company producing automatic pistol ammunition, his employment by two noted weapons manufacturers as an engineer in the

design and production of rifles and ammunition and his authorship of four articles concerning firearms, all qualified him as an expert in firearms identification. State v. Macumber 544 P2d 1084 (Ariz.,1976)

* * * * * *

MISCELLANEOUS:

Following are brief descriptions of some new LEAA program developments to improve the functioning of courts and prosecutors offices. If you are interested in finding out more about any of them, please contact your State Law Enforcement Planning Agency.

New Discretionary Grant Program for Court Delay

A special discretionary grant program intended to "demonstrate methods to reduce criminal court case backlog and processing time" has just been announced. A copy of the program description guidelines is attached for your information.

If your court has a delay or backlog problem and has reached some conclusions on how to attack that problem, this discretionary grant program may offer an opportunity to obtain the financial resources which may be required. Techniques which can be funded included, but are not limited to: controlling of continuances; developing speedy trial procedures; attorney/police/witness notification and scheduling procedures; calendar and case flow management improvement; prosecution case ranking and screening; changes to the grand jury procedure; use of omnibus hearings; abolition of trial de novo appeals; trials based on stipulated facts or transcripts; and felony conferencing procedures.

You will note in the guidelines that a 10 percent cash match is required and that the deadline for submitting an application is May 2, 1977. Trial courts which are interested in applying should work through the State Court Administrator's Office and the Judicial Planning Committee.

Use of discretionary grant funds at this time may be particularly appropriate since block grant funds at the state level may not be as immediately available. Our Washington office has indicated that they have a particular interest in funding a number of smaller projects (as opposed to million dollar projects in the large urban areas) if applications are made. Here is an opportunity to think through the methods for accomplishing needed changes and to take some action!

National Conference of Metropolitan Courts/National Center for State Courts "Reducing Trial Court Delay Project"

NCMC and NCSC recently received an LEAA grant to undertake a major study of 20 to 30 metropolitan courts to determine what the principal causes of delay are and to experiment with new methods to remedy the problem. Eight to ten jurisdictions will be chosen for intensive study and possible experimentation with new techniques. The results of this effort will no doubt lead to future LEAA programming efforts.

LEAA "Host Program" - Seattle and San Diego Fraud Prosecution Units

The LEAA "Host Program" offers opportunities for interested law enforcement and criminal justice officials to visit projects which are designated as "exemplary." We have just received notice that the Consumer Fraud Division of the King County (Seattle), Washington Prosecutor's Office and the San Diego, California, Prosecutor's Office, have been designated to participate in this program.

Any prosecutor's office which is currently operating such a program or contemplating the development of one may be considered for participation. This means that if selected, a representative from the prosecutor's office would receive travel and per diem for a one-week visit in the King County office or two weeks in the San Diego office. A program of briefings and on-the-job training has been established so that participants will become fully familiar with all of the operational facets of the offices before returning home.

Juror Utilization and Management Workshop

LEAA is sponsoring a Juror Utilization and Management Workshop in Denver on March 16-18, 1977. Judges, court administrators, and other criminal justice officials who have a direct interest in attending this workshop are also encouraged to contact the SPA or the Regional Office by February 28. As in the case of the Host Program, travel and per diem will be paid for workshop participants by LEAA.

UPCOMING SEMINARS AND CONVENTIONS:

NDAA
Mid-Winter Conference
San Diego, California
March 13-18, 1977

NDAA-NCJCJ
4th National Conference on Juvenile Justice
Orlando
March 20-24, 1977

NDAA
May Board Meeting
Chicago
May 11-13, 1977

NDAA
Mid-Summer Conference
Portland
July 17-21, 1977

NDAA-NCJCJ
National Conference on the New Juvenile Justice Standards
Washington, D.C.
October 30 - November 3, 1977

NDAA
National Executive Forum on Economic Crime
Los Angeles
November 27 - December 2, 1977

NDAA
Mid-Winter Conference
San Francisco
February 26 - March 3, 1978

NDAA-NCJCJ
4th National Conference on Juvenile Justice
Baton Rouge
March 5-9, 1978

LEGISLATIVE REPORT:

County Attorney Proposed Legislation:

SB 180 Concealment of Merchandise: Killed in Senate Judiciary

HB 251 DWI: Approved by House Judiciary Committee; second reading, approved as amended; third reading, approved; transmitted to Senate.

SB 255 Marijuana Amendments: Senate Judiciary Committee - Amended, killed on third reading

HB 280 Amending the Charge: Approved by House Judiciary Committee; second reading, approved; third reading, approved; transmitted to Senate

HB 291 Obscuring the I.D. of a Machine: Approved by House Judiciary Committee; second reading, approved; third reading, approved; transmitted to Senate

SB 337 Arson: Killed in Senate Judiciary.

SB 338 Felony Fines: Killed in Senate Judiciary.

SB 343 To Include 94-5-502 in the Definition of "without consent:" Killed in Senate Judiciary

HB 363 To Authorize the Use of Video Tapes: Approved by House Judiciary Committee, passed House and transmitted to Senate.

HB 513 Concealed Weapons Amendments: Approved by House Judiciary; second reading, approved; third reading, approved; transmitted to Senate. Hearing March 4

House Bills:

HJR 63 To Study the Montana Justice Project Standards and Implement Same: Judiciary Committee approved, transmitted to Senate

HJR 73 Offensive Movie Previews of a Violent Nature: Public Health Committee approved, transmitted to Senate

HB 51 Create a State Lottery: Taxation Committed killed

HB 79 Sentencing Provision, Introduced by Scully: Judiciary approved; second reading, approved; third reading, approved; transmitted to Senate

HB 116 Reporter's Privilege: Judiciary approved; second reading, approved; third reading, approved; transmitted to Senate

HB 122 Local Government Revision: Local Government Committee, no action.

HB 142 MONTCLIRC: Appropriations Committee, no action, hearing March 3

HB 165 Publicity of Juvenile Offenders: Judiciary Committee killed

HB 184 Cost of Medical Exam in Rape Cases: Public Health approved; second reading, approved; third reading, approved; transmitted to Senate

HB 188 Sentencing/Crimes Committed with a Knife or Firearm: Judiciary Committee, no action

HB 226 Reckless Driving while Evading the Police: Judiciary Committee approved; second reading, approved; third reading, approved; transmitted to Senate

HB 260 DWI, Mandatory 10-Day Jail Sentence upon Conviction: Judiciary Committee approved; second reading, approved; third reading, approved; transmitted to Senate

HB 261 Sentencing Bill, May not Defer when Crime Involved Drugs or Violence: Judiciary Committee approved; second reading, approved; third reading, sent to Appropriations

HB 357 Victim Compensation Act: Judiciary Committee approved; second reading, approved; third reading, sent to Appropriations

HB 382 Legal Assistance to Boards by County Attorney: Judiciary Committee, Adverse Report; second reading, killed

HB 411 Fitness to Stand Trial (Developmentally Disabled Persons): Judiciary Committee approved, transmitted to Senate

HB 442 Bad Checks, Requiring County Attorney to Prosecute: Business and Industry Committee killed

HB 457 Unfair Trade Practices, County Attorney's Duties: Judiciary Committe approved, transmitted to Senate

HB 461 Creating a Forensic Sciences Lab: Public Health Committee approved, sent to Appropriations

HB 475 Privacy Act: Judiciary Committee approved; second reading, no action

HB 498 County Attorney Subpoena Bill: Judiciary Committee approved, transmitted to Senate

HB 672 Parole for Prior Felons: Judiciary Committee, no action, sent to Appropriations

HB 734 Sentencing for DWI Homicide: Judiciary Committee killed

HB 774 Exclusionary Rule Bill: Judiciary Committee killed

HB 777 State-Wide Public Defender System: Judiciary Committee killed

HB 805 Misdemeanor of Showing Previews of Violent Movies: Public Health Committee approved, transmitted to Senate

HB 813 Appropriations for Public Defender System: Appropriations, no action

Senate Bills:

SB 12 Towe's Privacy Bill: Judiciary Committee approved, killed on third reading

SJR 19 Study Victim Compensation: Judiciary Committee approved, transmitted to House

SJR 28 Sentencing Study: Judiciary Committee approved, transmitted to House

SB 67 Computer Privacy: Judiciary Committee killed

SB 149 Death Penalty: Judiciary Committee approved, transmitted to House

SB 192 Pay Bill: Local Government Committee approved; second reading, sent to Taxation Committee, transmitted to House (a copy of this bill has been attached)

SB 210 Sentencing for Crimes Committed with a Knife or Firearm: Judiciary Committee killed

SB 213 Jury Challenges when Death may be the Penalty: Judiciary Committee approved; second reading, approved; third reading, killed

SB 214 Capital Offense - Life Sentence: Judiciary Committee killed

SB 254 Welfare Fraud as Theft: Judiciary Committee approved; second reading, approved; transmitted to the House

SB 278 Creating the Offense of Using a Weapon: Judiciary Committee killed

SB 318 Fixed Sentencing - Abolishing Parole: Judiciary Committee approved; second reading, killed

SB 335 Endangering the Welfare of Children: Judiciary Committee approved, transmitted to House

SB 339 Failure to Raise a Timely Complaint in a Rape Case will not Raise a Presumption as to the Credibility of the Victim: Judiciary Committee approved; second reading, approved; third reading, approved; transmitted to House

SB 341 Obscene Motion Pictures: Public Health Committee killed

SB 385 No Parole for Crimes Committed while in Prison: Judiciary Committee approved; second reading, sent to Finance and Claims

SB 418 Intoxication as a Defense of Consent in Rape Case: Judiciary Committee killed

SB 439 MBCC, Privacy Bill: Judiciary Committee killed

PLEASE NOTE: FOR COPIES OF THESE OR ANY OTHER BILLS, PLEASE FEEL FREE TO CONTACT THIS OFFICE (County Attorney Coordinator, 1230 Eleventh Avenue, Helena, Montana 59601).

Approved by Comm.
on Local Government

SENATE BILL NO. 192

INTRODUCED BY McCALLUM, MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 25-605, R.C.M. 1947, TO INCREASE THE SALARIES OF CERTAIN COUNTY OFFICERS AND TO INCLUDE COUNTY ASSESSOR IN SALARY SCHEDULE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-605, R.C.M. 1947, is amended to read as follows:

"25-605. Salaries of certain county officers. The salaries of county treasurers, clerk and recorder, clerk of the court, county attorneys, sheriffs, county assessors, county superintendents of schools, and of county surveyors in counties where county surveyors now receive salaries as provided in ~~section~~ 16-3302, shall be based on the population and taxable valuation of the county in accordance with the following schedule:

Population of County	Salary Col. A		
Below 3,000	~~$4,385~~	~~$4,962~~	~~$4,282~~
3,000 to 3,999	~~$4,399~~	~~$5,159~~	~~$4,514~~
4,000 to 4,999	~~$4,494~~	~~$5,273~~	~~$4,614~~
5,000 to 5,999	~~$4,489~~	~~$5,387~~	~~$4,713~~
6,000 to 6,999	~~$4,584~~	~~$5,518~~	~~$4,828~~
7,000 to 7,999	~~$4,964~~	~~$5,885~~	~~$5,149~~
8,000 to 8,999	~~$4,984~~	~~$5,906~~	~~$5,237~~
9,000 to 9,999	~~$5,106~~	~~$6,127~~	~~$5,361~~
10,000 to 12,499	~~$5,189~~	~~$6,227~~	~~$5,448~~
12,500 to 14,999	~~$5,296~~	~~$6,355~~	~~$5,561~~
15,000 to 17,499	~~$5,403~~	~~$6,484~~	~~$5,673~~
17,500 to 19,999	~~$5,498~~	~~$6,598~~	~~$5,773~~
20,000 to 24,999	~~$5,605~~	~~$6,726~~	~~$5,885~~
25,000 to 29,999	~~$5,780~~	~~$6,948~~	~~$5,985~~
30,000 to 39,999	~~$5,806~~	~~$6,967~~	~~$6,096~~
40,000 to 49,999	~~$5,949~~	~~$7,139~~	~~$6,246~~
50,000 to 59,999	~~$6,163~~	~~$7,396~~	~~$6,471~~
60,000 to 69,999	~~$6,374~~	~~$7,651~~	~~$6,695~~
70,000 to 79,999	~~$6,614~~	~~$7,937~~	~~$6,945~~
80,000 to 89,999	~~$6,750~~	~~$8,097~~	~~$7,094~~
90,000 to 99,999	~~$6,978~~	~~$8,365~~	~~$7,319~~
100,000 and over	~~$7,184~~	~~$8,621~~	~~$7,541~~
Taxable Valuation of County	Salary Col. B		
Below 2,000,000	~~$4,180~~	~~$5,016~~	~~$4,388~~
2,000,000 to 2,999,999	~~$4,289~~	~~$5,152~~	~~$4,514~~
3,000,000 to 3,999,999	~~$4,394~~	~~$5,273~~	~~$4,614~~
4,000,000 to 4,999,999	~~$4,494~~	~~$5,387~~	~~$4,713~~
5,000,000 to 5,999,999	~~$4,588~~	~~$5,510~~	~~$4,824~~

SECOND READING

SECOND PRINTING

6,000,000 to 6,999,999..... ~~$4,904~~ ~~$5,085~~ $5,149

7,000,000 to 7,999,999..... ~~$4,968~~ ~~$5,086~~ $5,237

8,000,000 to 9,999,999..... ~~$5,186~~ ~~$6,127~~ $5,361

10,000,000 to 11,999,999..... ~~$5,189~~ ~~$6,227~~ $5,448

12,000,000 to 13,999,999..... ~~$5,296~~ ~~$6,355~~ $5,561

14,000,000 to 15,999,999..... ~~$5,402~~ ~~$6,482~~ $5,672

16,000,000 to 17,999,999..... ~~$5,497~~ ~~$6,596~~ $5,772

18,000,000 to 19,999,999..... ~~$5,605~~ ~~$6,726~~ $5,885

20,000,000 to 22,499,999..... ~~$5,700~~ ~~$6,840~~ $5,985

22,500,000 to 24,999,999..... ~~$5,806~~ ~~$6,967~~ $6,096

25,000,000 to 29,999,999..... ~~$5,949~~ ~~$7,139~~ $6,246

30,000,000 to 34,999,999..... ~~$6,163~~ ~~$7,396~~ $6,471

35,000,000 to 39,999,999..... ~~$6,376~~ ~~$7,651~~ $6,695

40,000,000 to 44,999,999..... ~~$6,614~~ ~~$7,937~~ $6,945

45,000,000 to 49,999,999..... ~~$6,756~~ ~~$8,107~~ $7,094

50,000,000 to 54,999,999..... ~~$6,970~~ ~~$8,364~~ $7,319

55,000,000 to 59,999,999..... ~~$7,184~~ ~~$8,621~~ $7,543

60,000,000 to 64,999,999..... ~~$7,398~~ ~~$8,878~~ $7,768

65,000,000 to 69,999,999..... ~~$7,611~~ ~~$9,133~~ $7,992

70,000,000 to 74,999,999..... ~~$7,825~~ ~~$9,390~~ $8,216

75,000,000 to 79,999,999..... ~~$8,039~~ ~~$9,647~~ $8,441

80,000,000 to 84,999,999..... ~~$8,253~~ ~~$9,904~~ $8,666

85,000,000 to 89,999,999..... ~~$8,466~~ ~~$10,159~~ $8,889

90,000,000 to 94,999,999..... ~~$8,680~~ ~~$10,416~~ $9,114

95,000,000 to 99,999,999..... ~~$8,894~~ ~~$10,673~~ $9,339

100,000,000 and over to 109,999,999... ~~$9,108~~ ~~$10,930~~ $9,563

110,000,000 to 119,999,999..... ~~$9,322~~ $9,756

120,000,000 to 129,999,999..... ~~$9,537~~ $9,951

130,000,000 to 139,999,999..... ~~$9,751~~ $10,149

140,000,000 to 149,999,999..... ~~$9,965~~ $10,352

150,000,000 and over..... ~~$10,068~~ $10,560

The total salary paid to county treasurers, clerk and recorder, clerk of the court, county attorneys, sheriffs, county assessors, county superintendents of schools and county sheriffs, and county surveyors in counties where county surveyors receive salaries, as provided in ~~section~~ 16-3302, shall be the sum of the salary shown in column A based on population when added to the salary shown in column B based on taxable valuation; provided, however, that county superintendent of schools shall receive, in addition to the salary based upon the totals of columns A and B above, the sum of ~~four hundred dollars ($400)~~ per year and county sheriffs and county attorneys shall receive, in addition to the salary based upon the totals of columns A and B above, the sum of ~~one thousand two hundred dollars ($1,200)~~ per year. Notwithstanding the above, in each county with a population in excess of ~~thirty thousand (30,000)~~ the salary of the county attorney shall be ~~twenty five thousand dollars ($25,000)~~ $30,000 per year."

SECTION 2. ONE-HALF OF THE TOTAL SALARY INCREASES

PROVIDED FOR IN SECTION 1 SHALL BE EFFECTIVE JULY 1, 1977, AND THE REMAINDER OF SUCH INCREASES SHALL BE EFFECTIVE JULY 1, 1978.

-End-